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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

MARIO ROEDERER, individually, and on,
behalf of **FLOWJO, LLC**, an Oregon Limited
Liability Company,

PLAINTIFFS,

v.

ADAM TREISTER, individually, and
TREE STAR, INC., an Oregon corporation,
DEFENDANTS.

ADAM TREISTER, individually, and
TREE STAR, INC., an Oregon corporation,

COUNTER-CLAIMANTS,

v.

MARIO ROEDERER, individually,
COUNTER-DEFENDANT.

Case No. 1:13-cv-01021-CL

**PLAINTIFFS' THIRD MOTION TO
COMPEL COMPLIANCE WITH
COURT ORDERS DKT 79 AND 87
(DISCOVERY MOTION)**

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7-1(a)

Pursuant to LR 7-1(a), Plaintiffs' counsel corresponded with Defendants' counsel on numerous occasions by email and phone conference¹ before filing Plaintiffs' Third Motion to Compel Compliance with Court Orders Dkt. 79 and 87. *See* Memorandum in Support of Plaintiffs' Third Motion to Compel Compliance. The Plaintiffs made a good faith effort through numerous email and phone correspondence to resolve this discovery dispute, but the parties were unable to resolve the dispute.

MOTION

Pursuant to FRCP 37, Plaintiffs move this court for an order compelling Defendants to comply with Court Orders Dkt. 79 and 87 to produce 1) QuickBooks files for FlowDx through present day, 2) bank statements in reasonably usable formats, 3) missing bank statements, and 4) for attorney's fees and reasonable expenses pursuant to F.R.C.P. 37(b).

The issue to be decided by this motion is whether the Court will order Defendants to produce the missing documents, and to award fees for not complying with Orders Dkt. 79 and 87. This motion is supported by Memorandum in Support of Plaintiffs' Motion to Compel Compliance with Court Orders Dkt. 79 and 87. Because the issue is simple yet vital for the imminent expert and discovery deadlines, Plaintiffs request a hearing on this matter during the already scheduled March 18, 2014 Scheduling Conference.

DATED this 17th day of March, 2014.

MARIO ROEDERER and FLOWJO, LLC

/s/ Todd A. Rowden
One of Plaintiffs' Attorneys

¹ *See* Exhibit 1 to the corresponding Memorandum in Support of Plaintiffs' Third Motion to Compel Compliance with Court Orders Dkt. 79 and 87.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Plaintiffs' Third Motion to Compel Compliance with Court Orders Dkt. 79 and 87** was served via e-service this 17th day of March 2014, to Defendants.

Dylan J. Liddiard
Dale Bish
Jasmine Owens
650 Page Mill Road
Palo Alto, CA 94304

All parties in this case are represented by an E-Filer and have consented to service by electronic means under Fed. R. Civ. P. 5(b)(2)(D).

/s/ Todd A. Rowden